

STUDENT DISCIPLINE AND DUE PROCESS

The Lafayette Regional School Board endorses these principles of student conduct:

- All students have a responsibility to know and respect the rules and regulations of the school.
- Students will conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others.
- Students shall show respect for real and personal property, take pride in their work, and demonstrate exemplary personal standards of courtesy, decency, and honesty.
- Student conduct shall contribute to a productive learning environment.

The goal is to develop a student who is self-disciplined and one who understands that only he/she can control his/her own behavior. It is important to allow a student to experience the reasonable consequences of his/her behavior so that he/she may accurately judge the long-term implications of his/her actions. Student discipline will be handled in a timely manner that encourages student ownership and fosters respect for others.

Individual rights are to be honored and protected in all instances; all students shall have equal rights and equal responsibilities in the classroom and at any school sponsored event. However, the rights of one individual shall not take precedence over those of another individual or of the group itself.

Inappropriate student conduct that causes material and substantial disruption to the school environment interferes with the rights of others, or presents a threat to the health and safety of students, staff, and visitors on school premises is prohibited. Students are expected to maintain appropriate classroom behavior that allows staff to perform their professional duties effectively and without disruption. Students who fail to abide by this policy may be disciplined for:

- Conduct that disrupts or interferes with the educational program
- Conduct that disrupts the orderly and efficient operation of the school or school activity
- Conduct that disrupts the rights of other students to participate in or obtain an education
- Conduct that is violent or destructive
- Conduct that interrupts the maintenance of a disciplined atmosphere while on school property or while attending or engaged in school activities.

The Principal shall notify parents/guardians of any student involved in a simple assault occurring during the school day when such assault causes any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense.

Pursuant to RSA 631:2-a, a simple assault occurs when one purposefully or knowingly causes bodily injury or physical contact to another; recklessly causes bodily injury to another, or negligently causes bodily injury to another by means of a deadly weapon.

The Board further recognizes the right of the Principal to establish disciplinary procedures in accordance with RSA 193:13 and RSA 193-D. Consequences for misconduct will be fair and developmentally appropriate. These disciplinary measures include, but are not limited to, removal from the classroom and/or classroom activities, detention, restriction of activities, suspension, and expulsion.

Disciplinary measures include, but are not limited to, removal from the classroom, restriction from activities, in-school suspension, out-of-school suspension, and expulsion.

Removal from the Classroom

- Removal from the classroom means a student is sent to the Principal's Office. It is within the discretion of the person in charge of the classroom to remove the student.

Restriction from Activities

- A restriction from school activities means a student will attend school and classes but will not participate in school activities, such as field trips, after-school clubs, and after-school functions and events.

Suspension

Suspension refers to an in-school suspension or an out-of-school suspension.

- An in-school suspension means the student will attend school but will be temporarily isolated from one or more classes while under supervision. An in-school suspension will not exceed ten consecutive school days.
- An out-of-school suspension means the student is removed from the school environment, which includes school classes and activities, for a specific period of time for gross misconduct, for neglect, or refusal to conform to school rules or policies.
- Short-term suspension means a suspension of ten school days or less. Ed317.04(a)(1).
- Long term suspension means the continuation of a short-term suspension under RSA193:13, I(b)-(c), and also means a suspension in excess of ten school days under Ed317.04(a)(2).

Expulsion

Expulsion means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II and IV.

- a. Grounds for Expulsion. An expulsion may only be imposed for an act that poses an ongoing threat to the safety of students or school personnel AND that constitutes:
 - i. A repetition of an act that warranted long term suspension;
 - ii. Any act of physical or sexual assault that would be a felony if committed by an adult;

- iii. Any act of violence pursuant to RSA 651:5, XIII;
- iv. Criminal threatening pursuant to RSA 631:4, II(a); **OR**
- v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1, or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

The Superintendent may modify expulsion requirements as provided in RSA 193:13, IV.

Due process shall be afforded to any student involved in a proceeding which may result in suspension, or expulsion. A student expelled from school may be reinstated by the Board under the provisions of RSA 193:13.

Standards for In-School Suspension, Restriction of Activities, and Detention

The Principal is authorized to issue an in-school suspension, restriction of activity, or detention for any conduct that:

- causes material or substantial disruption to the school environment
- interferes with the rights of others
- presents a threat to the health and safety of students, staff, and/or visitors
- violates other District rules or policies
- is otherwise inappropriate

Process for Out-of-School Suspension

- The Principal is authorized to suspend a student for ten (10) school days or less for gross misconduct or for neglect or refusal to conform to District rules or policies. The Principal shall consult with the Superintendent prior to issuing any suspension. Pursuant to Ed 317.04(a)(1), a suspension of ten (10) school days or less shall be considered a “short-term suspension” and may be issued for gross misconduct, for neglect, or refusal to conform to the reasonable policies and rules of the school under RSA 193:13, I. As required by RSA 193:13(1), educational assignments shall be made available to the suspended student during the period of suspension. Due process standards for short-term suspensions will adhere to the requirements of ED 317.04(f)(1).
- The Superintendent is authorized to continue the suspension of a student and issue a long-term suspension for a period in excess of ten (10) days. If the Superintendent issued the original short-term suspension, the School Board may designate another person to continue the short-term suspension and issue the long-term suspension. The Superintendent will hold an informal hearing prior to extending any suspensions. This informal hearing need not rise to the level and protocol of an official hearing before the School Board, but must comply with the requirements of Department of Education Administrative Rule 317.04, Disciplinary Procedures, subsection (f) (2) and (3) g. Pursuant to Ed 317.04(a)(2), a suspension in excess of ten (10) school days shall be considered a “long-term suspension”. A long-term suspension may be issued for an act of theft, destruction, or violence as defined in RSA Chapter 193-D, for possession of

a pellet paint ball gun or BB gun or rifle as provided by RSA 193:13, II, or for any violation of any rule established using the authority granted by RSA 189:15, provided the rule includes notice that a student may receive a long-term suspension and/or may be expelled for violation of the rule and the rule has been recorded in the official records of the School Board. Due process standards for long-term suspensions will adhere to the requirements of ED 317.04(f)(2).

- Any suspension in excess of ten (10) school days may be appealed to the School Board, provided the Superintendent receives the appeal in writing within ten (10) days after the issuance of the Superintendent's original decision. Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending.

Process for Expulsion

- Any student may be expelled by the School Board for gross misconduct, for neglect or refusal to conform to District rules or policies, or for an act of theft, destruction, or violence, as defined in RSA 193-D:1, or for the possession of a pellet or BB gun, rifle, or paint ball gun.
- Additionally, any student may be expelled by the School Board for bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 in a Safe School Zone, as defined in RSA 193-D:1, unless such student has written authorization from the Superintendent. Any expulsion under this provision shall be for a period of not less than twelve (12) months.
- The District will ensure that the due process standards set forth in Ed 317.04(f)(3) are followed.
- An expulsion will run until the School Board restores the student's permission to attend school. A student seeking restoration of permission to attend school shall file a written request with the Superintendent which details the basis for the request. The Board will determine whether and in what manner it will consider any such request.
- Any decision by the Board to expel a student may be appealed to the State Board of Education.
- The Superintendent is authorized to modify the expulsion or suspension requirements on a case-by-case basis.

Sub-committee of Board

For purposes of suspension or expulsion, "Board" or "School Board" may be either a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

Disciplinary Removal of Students with Disabilities

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede any local policies. Any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

This policy and school rules which inform the students of the content of RSA 193:13 shall be printed in the student handbook and made available on the school website to students, parents, and guardians.

Legal Requirements:

RSA 189:15, Regulations

RSA 193:13, Suspension and Expulsion of Pupils

RSA Chapter 193-D, Safe School Zones

NH Code of Administrative Rules, Section Ed. 306.04(a)(3), Discipline

NH Code of Administrative Rules, Section Ed. 306.04(f), Student Discipline Policy

NH Code of Administrative Rules, Section Ed. 317.04, Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures in re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)

Adopted: March 2006

Revised: June 2007

Revised: June 2009

Revised: March 2010

Revised: May 2012

Revised: February 2015

Revised: February 2018

Revised: December 2018

Revised: January 2020

Revised: December 2021